

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JACK TURNER and PAM TURNER, co-
administrators of the Estate of CORBIN
TURNER, deceased,

Plaintiffs,

v.

OFFICE OF THE SHERIFF OF
CRAWFORD COUNTY, et al.,

Defendants.

Case No. 08-cv-837-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Motions to Dismiss filed by defendants Crawford County Board, Office of the Sheriff of Crawford County, and Todd W. Liston (Doc. 18) and by defendants Tate Myers and Troy Love (Doc. 20), both of which were filed on February 17, 2009. Pursuant to Local Rule 7.1(c), plaintiffs Jack Turner and Pam Turner's response was due 30 days after the motions to dismiss were filed, but 30 days have passed and plaintiffs have not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** plaintiffs Jack Turner and Pam Turner to **SHOW CAUSE** on or before May 29, 2009, why the Court should not construe their failure to timely respond to the motion to dismiss as an admission of the merits of the motion and dismiss their claims against defendants Crawford County Board, Office of the Sheriff of Crawford County, Todd W. Liston, Tate Myers and Troy Love .

Additionally, there is no evidence in the record that service of process has been effected upon defendant Robinson Police Department within 120 days after the filing of the complaint, as

prescribed by Federal Rule of Civil Procedure 4(m). Accordingly, the Court hereby **ORDERS** plaintiffs Jack Turner and Pam Turner to **SHOW CAUSE** on or before May 29, 2009, why the claims against defendant Robinson Police Department should not be dismissed without prejudice for failure to timely effect service. Failure to respond in a timely manner to this order may result in dismissal of this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: May 14, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE